

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON G. ADAMS,

Plaintiff

v.

REBECCA L. BURTON, et al.,

Defendants

Case No.: 2:22-cv-00076-APG-VCF

**Order Accepting Report and
Recommendation**

[ECF No. 8]

On February 8, 2022, Magistrate Judge Ferenbach recommended that I dismiss plaintiff Brandon Adams' complaint because (1) it appears Adams is seeking to appeal state court rulings in a family law case over which this court has no jurisdiction; (2) defendants Rebecca Burton, Linda Bell, and Cecilia Dixon would be entitled to absolute and quasi-judicial immunity; (3) and Adams cannot state a claim under 42 U.S.C. § 1983 against defendant Yvette Adams, who is the mother of Adams' children, because she is not a state actor. ECF No. 8. Adams objects, arguing that by recommending dismissal, Judge Ferenbach is violating Adams' Seventh Amendment right to a jury trial. ECF No. 9 at 1. Adams also references treaties; oaths of office; the First, Fifth, Six, Eighth, and Fourteenth Amendments; and fraud on the court because the court's caption does not reflect a jury demand even though his complaint indicated that he wanted a jury. ECF Nos. 9, 13.

Reviewing the matter de novo, dismissal is warranted. *See* LR IB 3-2(b). First, Adams does not dispute that his complaint is an appeal of the state court's rulings over which this court has no jurisdiction; that defendants Burton, Bell, and Dixon are entitled to judicial immunity; or that he cannot plausibly assert a § 1983 claim against Yvette Adams, who is not a state actor. He therefore fails to state a claim against any defendant over which this court has jurisdiction.

1 Second, dismissing a claim where the law compels dismissal (as it does here) does not
2 violate the Seventh Amendment. *See In re Slatkin*, 525 F.3d 805, 811 (9th Cir. 2008) (“As the
3 Supreme Court held, over one hundred years ago, a summary judgment proceeding does not
4 deprive the losing party of its Seventh Amendment right to a jury trial.”). Finally, the court
5 caption has been corrected to show that Adams requested a jury trial. Consequently, there is no
6 fraud on the court.

7 I THEREFORE ORDER that Magistrate Judge Ferenbach’s report and recommendation
8 **(ECF No. 8) is accepted.** Plaintiff Brandon Adams’ complaint (ECF No. 1-1) is dismissed. The
9 clerk of court is instructed to close this case.

10 DATED this 2nd day of March, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE